

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,106

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Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing her food stamps. The issue is whether the Department correctly calculated the petitioner's income.

FINDINGS OF FACT

The facts are not in dispute. The petitioner applied for food stamps in November, 1995, after losing her job, and was found eligible based on the fact that she had no income that month. In December, 1995, the petitioner began receiving unemployment compensation totalling \$774.00 a month. Applying this income to its eligibility computation, the Department reduced the petitioner's food stamps to \$10.00 a month.

The petitioner lives alone and has no dependents. However, the rent and utilities where she is living are roughly equal to, if not in excess of, her present income. Also, because of medical problems she is on a strict diet, which increases her food costs.

ORDER

The Department's decision is affirmed.

REASONS

Although the petitioner's shelter expenses are exceedingly high considering her income, the food stamp regulations cap the allowable amount of deductible shelter expenses at \$247.00. Food Stamp Manual (FSM) § 273.9(d)(5) and Procedures Manual (PM) § P-2590A(4). The Department allowed the petitioner the standard deduction from her income of \$134.00. FSM § 273.9(d)(1) and PM § P-2590A (1). It then subtracted from that the maximum shelter deduction (supra), which yielded a net food stamp income amount of \$393.00. See FSM § 273.10. The food stamp payment amount for a household of one person with this income is \$10.00 a month. PM § 2590D. The regulations specifically disallow a deduction from income for "special diets". FSM § 273.9(d)(3).

Although one can sympathize with the petitioner's plight caused by her present unemployment, inasmuch as the Department's decision in this matter is in accord with the pertinent regulations, the Board is bound to affirm it. 3 V.S.A. § 3091(d), and Fair Hearing Rule No. 17.

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